

### **REMARKS/ARGUMENTS**

Claims 1 and 2-15 are in the application. Claims 1 and 7 have been amended to include limitations to monitoring and communication of exceptions in a manner *independent of local communication and information systems infrastructures* (support at paragraphs [10] and [127]). New claims 12-15 include further Markush limitations to *information sources* and *supply chain processes* (support at paragraphs [05], [06], [08], [10], [11-13], [15-18], [20-21], and [36]). No new matter has been added.

#### ***Claim Rejections - 35 USC 103***

##### ***Claims 1, 3-5 and 7-10***

Claims 1, 3-5 and 7-10 were rejected as being obvious in view of the published application of Arunapuram et al. Applicant traverses this rejection and incorporates by reference the arguments filed previously with regard to Arunapuram et al. on 27 March 2006, 01 December 2006, and 24 August 2007.

Furthermore, claims 1 and 7 have been amended to include limitations to use of *monitoring and communications that are independent of the local infrastructure*. Arunapuram et al. fails to teach or fairly suggest these limitations.

With respect to the step wherein “monitoring stimulus from the information source and communicating the process exception are accomplished independent of local communication and information systems infrastructures” of claim 1 and the limitation wherein “the means for monitoring stimulus from the information source, the communication mechanism, and the alternate communication mechanism are independent of local communication and information systems infrastructures” of claim 7, Applicant respectfully submits that neither Arunapuram et al., nor any other cited prior art, teaches or fairly suggests these limitations. Indeed, as a whole, the prior art teaches and suggests use of the existing local infrastructure, and thus *teaches against* the present invention.

With respect to the “supply chain process” limitations in new claims 12-15, Applicant notes that while shipping or transportation can be *part of* a supply chain

process, shipping in and of itself is not a supply chain process. Arunapuram et al. discloses only a shipping process that can be “within a supply chain” (see para [0017]).

As previously submitted, since tracking is part of the process in Arunapuram et al., tracking does not fall within the present specification’s definition of a process exception. Indeed, the tracking information would merely be an event, not an exception, i.e., as disclosed in Applicant’s paragraph 14:

“In general, systems commonly produce ‘events’ – that is, when something that might or might not be interesting occurs. However, the number of these events can be huge – and it would be impossible for humans to be informed about each and every one of these events. Indeed, knowing about each of these events would not yield any useful *information* – it is just so much *data*. In contrast, there may be a few conditions (which might be as a result of specific events, but do not have to be) that are unusual, and would benefit from human involvement. Some of these conditions, if left undetected, or unreported, may have a significant financial impact on an organization. Thus, these conditions may be thought of as ‘exceptions’ (rather than ‘events’).”

Additionally, the tracking in Arunapuram et al. is part of the delivery process infrastructure, so any monitoring and communication of package delivery are inherently performed by the local infrastructure, which clearly fails to meet the claim limitations of independent claims 1 and 7 and the claims that depend therefrom.

#### *Claims 6 and 11*

Claims 6 and 11 were rejected as obvious over Arunapuram et al. in view of Delaney et al. As a first matter, Delaney et al. fails to cure any of the deficiencies of Arunapuram et al. with respect to claims 1, 3-5, and 7-10 and the use of *monitoring and communications that are independent of the local infrastructure*. As such, claims 6 and 11 are allowable for the same reasons as claims 1 and 7.

Furthermore, while Delaney et al. teaches the use of “escalation rules” in the field of messaging, the alleged combination is clearly based on impermissible hindsight. The

Customer Status Interface **408** of Arunapuram et al. does not send messages, but rather merely indicates status. The use of EDI, email, web, facsimile or phone is disclosed only in reference to the tender interface **407** (for tender offers and acceptance) and is not related in any way to the Customer Status Interface **408** that is cited to in the Office action. As there is no *messaging* to customers in Arunapuram et al., there is no need for the “escalation rules” taught by Delaney et al. absent impermissible hindsight. Additionally, neither Arunapuram et al. nor Delaney et al. teach or fairly suggest communicating associated contextual information in addition to the notification. Note that since the notification and the contextual information are separately claimed, any notification taught by the prior art cannot also read on the claimed contextual information (i.e., if the status of a shipment or cancellation of a flight are considered to be the notification, then this information cannot also be the “associated contextual information” that is described in the specification as associated static information such as process documents, contract sections, check-lists, etc., that is needed by the recipient in order to act on the exception).

#### *New Claims*

New claims 12-15 include limitations to information sources and supply chain processes that are clearly not found in Arunapuram et al. or Delaney et al., and are therefore clearly allowable of the cited prior art.

#### *Conclusion*

For the reasons cited above, Applicant submits that claims 1 and 3-15 are in condition for allowance and requests reconsideration of the application.

#### *Request for Interview*

This is the second RCE in this case. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the

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undersigned at the local exchange given below. Alternatively, Applicant's counsel requests an interview on any remaining issues before any office action is issued.

Respectfully submitted,

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